IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

SUSAN MAE POLK,) No. C 08-1483 MMC (PR)
Plaintiff, v.	ORDER DENYING PLAINTIFF'S MOTION TO COMPEL AND FOR SANCTIONS
JAMES CAVIN, et al.,	(Docket Nos. 246, 249)
Defendants.)))

On March 17, 2008, plaintiff, a California prisoner then incarcerated at the Central California Women's Facility in Chowchilla, California ("CCWF"), and proceeding pro se, filed the above-titled civil rights action under 42 U.S.C. § 1983. On March 10, 2010, the Court dismissed plaintiff's claims and entered judgment for defendants. On August 17, 2011, the Ninth Circuit issued an opinion reversing this Court's dismissal of plaintiff's claims and remanding for further proceedings. On September 23, 2011, the Court reopened the case and informed the parties they could take discovery in accordance with the Federal Rules of Civil Procedure.

On December 22, 2011, defendants filed a motion for summary judgment. Plaintiff's opposition is currently due on or before March 28, 2013. Now before the Court is plaintiff's Amended Motion to Compel Disclosure, filed February 14, 2013, by which filing plaintiff

¹ Plaintiff currently is incarcerated at the California Institution for Women ("CIW").

Sheriff's Office.² The motion will be denied for two reasons.

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First, as stated in the Court's order of February 8, 2013 (Dkt. No. 244), until plaintiff files her opposition to defendants' motion for summary judgment, plaintiff may not file any further motions without first obtaining leave of court. Plaintiff has failed to request leave to

seeks additional discovery from, as well as sanctions against, the Contra Costa County

file the instant motion.

Second, as noted above, this case has been re-opened for more than 16 months, and defendants' motion for summary judgment has been pending for more than 13 months. Indeed, discovery in this action first became available as early as April 30, 2009, when the Court issued its initial order of service. (See Dkt. No. 17at 7 (expressly informing parties they could begin to take discovery).) Under such circumstances, plaintiff has had ample time to conduct and complete any discovery necessary to oppose summary judgment. Moreover, a review of the docket shows plaintiff has already filed several discovery motions, all of which have been resolved by this Court as well as by Magistrate Judge Joseph C. Spero in a timely manner, and plaintiff has not endeavored to show why she needs additional discovery prior to filing her opposition, let alone met the requirements of Rule 56(d) of the Federal Rules of Civil Procedure.

Accordingly, for the foregoing reasons, plaintiff's motion to compel and for sanctions is hereby DENIED without prejudice to refiling once the Court has ruled on defendants' motion for summary judgment.

This order terminates Docket Nos. 246 and 249.

IT IS SO ORDERED.

DATED: February 19, 2013

MAXINE M. CHESNEY
United States District Judge

² The Amended Motion supercedes plaintiff's Motion to Compel Disclosure, filed February 11, 2013.